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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SANDRA L. FERGUSON,

11 Plaintiff,

12 v.

13 BRIAN J. WAID AND THE WAID  
14 MARITAL COMMUNITY,

15 Defendants.

Case No. C17-1685 RSM

ORDER DIRECTING PLAINTIFF TO  
RETRIEVE CASHIER'S CHECK AND  
DELIVER FUNDS TO DEFENDANT

16 This matter comes before the Court on the Notice of Plaintiff's Deposit of Rule 11  
17 Funds in Registry. Dkt. #130.

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19 On April 9, 2018, the Court issued an Order for Plaintiff Ferguson to "pay Defendant"  
20 \$39,399 in attorney's fees and \$79 in costs. Dkt. #70. The Court did not provide a deadline.  
21 Later, on August 6, 2018, the Court set a deadline of September 5, 2018, for Ms. Ferguson to  
22 make payment and again ordered Ms. Ferguson to "pay Defendants." Dkt. #115. On  
23 September 24, 2018, the Court found Ms. Ferguson in contempt for failing to make this  
24 payment, and ordered her to comply with the above previous Orders. Dkt. #129.

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26 On September 25, 2018, Ms. Ferguson personally delivered a cashier's check of  
27 \$39,478 to the Court's Clerk's Office. The Clerk's Office initially took notice of this payment  
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ORDER DIRECTING PLAINTIFF TO RETRIEVE CASHIER'S CHECK AND DELIVER TO  
DEFENDANT - 1

1 and issued a receipt, which was recorded on the docket. However, once the undersigned  
2 became aware of this, the Court was able to stop the actual processing and deposit of these  
3 funds. The check remains in the Clerk's Office.

4 The Court did not expect to be receiving a cashier's check, and was unaware of Ms.  
5 Ferguson's intentions until the following day, after Ms. Ferguson filed her Notice of Plaintiff's  
6 Deposit of Rule 11 Funds in Registry. *See* Dkt. #130 (filed at 10:51 P.M.). This Notice states  
7 "[w]e request that disbursement of the funds be made by the Clerk at the direction of the  
8 Court," but also that "[w]e respectfully request that the Court consider deferring disbursement  
9 of the deposited funds until a consolidated appeal can be filed, after the trial approximately two  
10 months hence." *Id.*

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13 Ms. Ferguson has again failed to follow the Court's prior Orders in a last ditch effort to  
14 evade responsibility and further prejudice Mr. Waid. The Court ordered payment be made to  
15 Mr. Waid, not to the Court. For the Court to disburse these funds now would cause a delay of  
16 approximately one month. While the Court would normally be amenable to receiving and  
17 disbursing funds, such a delay is unreasonable under the facts of this case. Accordingly, the  
18 Court hereby ORDERS Ms. Ferguson to retrieve her cashier's check from the Clerk's Office in  
19 Seattle **no later than tomorrow** and deliver these funds to Mr. Waid immediately. If Ms.  
20 Ferguson is able to do this, the Court will not fine her \$100 a day for this additional delay.  
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22 DATED this 26<sup>th</sup> day of September 2018.

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25 RICARDO S. MARTINEZ  
26 CHIEF UNITED STATES DISTRICT JUDGE  
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